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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,611	10/28/2003	Rohit Valia	5681-35800	6290
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MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT	PAPER NUMBER
			2157	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/695,611

Applicant(s)

VALIA, ROHIT

Examiner

El Hadji M. Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/13/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. This action is responsive to the application filed on October 28, 2003.

Claims 1-49 are pending. Claims 1-49 represent method and system for monitoring performance of processes across multiple environments and servers.

### **2. Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13, 19 and 37 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 13 and 19, Applicant discloses "a memory comprising program instructions". For the claimed invention to be statutory, "the program instructions" has to be embedded or stored in computer readable medium. Appropriate correction is required.

In claim 37, Applicant discloses "a computer-accessible medium comprising program instructions...." (On page 29, in the conclusion of the

specification, Applicant discloses "a carrier medium that may include a transmission media or signals such as electrical, electromagnetic, or digital signals...". For the claimed invention to be statutory, "the program instruction" has to be embedded or stored in computer readable medium, which is not "a carrier medium that may include a transmission media or signals such as electrical, electromagnetic, or digital signals...". Appropriate correction is required.

**3. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11, 13-17, 19-21, 23-35, 37-44 and 46-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowman-Amuah U.S. 6332,163 (referred to hereafter as Bowman).

Bowman teaches the invention as claim including method for providing communication services over a computer network system (abstract).

As to claims 1, 13, 19, 23, 25, 37 and 46, Bowman teaches a system, a method and a computer-accessible medium, comprising:

a server configured to host an application accessible by one or more clients via a network (figure 17); and

a client device comprising a thin client configured to access the application via the network (figure 17);

wherein the system is configured to download a version of the application to the client device via the network, wherein the downloaded version of the application is configured to provide at least a portion of application logic of the application to the thin client (column 107, lines 24-38); and

wherein the thin client is further configured to:

disconnect from the application on the server (column 54, lines 22-24);

and

access the downloaded version of the application on the client device to perform one or more functions of the application provided by the at least a

portion of the application logic while the thin client is disconnected from the application (column 26, lines 55-63).

As to claim 2, Bowman teaches the system as recited in claim 1, wherein the client device is further configured to store one or more changes made to application data during said access of the downloaded version of the application (column 123, lines 9-18).

As to claim 3, Bowman teaches the system as recited in claim 2, wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the application on the server is further configured to integrate the one or more changes made to the application data on the client device into application data on the server after said reconnection (column 25, lines 24-30).

As to claim 4, Bowman teaches the system as recited in claim 2, wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the system further comprises a synchronization service configured to integrate the one or more changes made to the application data on the client device into application data on the server (column 50, lines 6-15).

As to claim 5, Bowman teaches the system as recited in claim 1, wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and wherein the client device is further configured to delete the downloaded version of the application after said reconnection (figure 139).

As to claim 6, Bowman teaches the system as recited in claim 1, wherein the application is further configured to save a state of the thin client with the application before said disconnection (figure 157).

As to claim 7, Bowman teaches the system as recited in claim 6, wherein the downloaded version of the application is configured to maintain state information for said access of the downloaded version of the application on the client device (column 103, lines 30-35);

wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the application is further configured to update the saved state of the thin client on the server according to the state information for said access of the downloaded version of the application on the client device (column 103, lines 56-67).

As to claim 8, Bowman teaches the system as recited in claim 1, wherein said download of the version of the application via the network is initiated by the application (column 27, lines 25-29).

As to claim 9, Bowman teaches the system as recited in claim 1, wherein said download of the version of the application via the network is initiated by the thin client (column 108, lines 48-56).

As to claim 10, Bowman teaches the system as recited in claim 1, wherein said download of the version of the application via the network is initiated in response to an indication that a network connection between the thin client and the application is to go down (column 148, lines 35-40).

As to claim 11, Bowman teaches the system as recited in claim 1, wherein the server is in one tier of a tiered network environment, and wherein the client device is in another tier of the tiered network environment (figure 10; column 26, lines 7-9).

**5. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 22, 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah U.S. 6332,163 (referred to hereafter as Bowman) in view of Smith et al. U.S. 20020065899.

Bowman teaches the invention substantially as claim including method for providing communication services over a computer network system (abstract).

As to claims 12, Bowman teaches the system as recited in claim 1.

Bowman fails to teach explicitly Java TM 2 Platform, Enterprise Edition (J2EETM), and an Enterprise JavaBeans (EJBs).

However, Smith teaches Java TM 2 Platform, Enterprise Edition (J2EETM), and an Enterprise JavaBeans (EJBs) (Paragraph [0064]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman in view of Smith to provide wherein the application is implemented according to Java TM 2 Platform, Enterprise Edition (J2EETM), and wherein the application logic is implemented as Enterprise JavaBeans (EJBs). One would be motivated to do so to allow providing a pure Java environment for developing and running distributed applications.

Claims 13-49 do not teach or define any new limitations above claims 1 - 12, and therefore are rejected for similar reasons

## **7. Conclusion**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the

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structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
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